

**Probation Services Task Force Meeting Minutes
Crowne Plaza Hotel, Los Angeles, California
May 17-18, 2001**

Attendance, Thursday, May 17, 2001:

Task Force Members Present: Hon. Patricia Bamattre – Manoukian, Hon. Denny Bungarz, Mr. Alan Crogan, Mr. Bill Davidson, Hon. Terry Friedman, Ms. Sheila Gonzalez, Mr. Phil Kader, Hon. William LeBov, Mr. Bill Mahoney, Hon. Kevin McCarthy, Mr. Ralph Miller, Hon. Frank Ochoa, Mr. John Rhoads, Mr. Mike Roddy.

Task Force Members Not Present: Mr. Bryce Johnson, Mr. Michael Johnson, Hon. Mike Nevin.

AOC Staff Present: Ms. Leslie Allen, Ms. Audrey Evje, Mr. Frank Gahub, Ms. Diane Nunn, Ms. Maureen O’Neil, Mr. Josh Weinstein, Mr. Jonathan Wolin.

Guests and Consultants: Mr. Frank Carmen, Ms. June Clark, Ms. Elizabeth Howard, Mr. Rubin Lopez, Mr. Denny Maloney, Mr. John O’Neill, Ms. Dimitria Pope, Mr. Alan Schuman, Mr. Bruce West.

I. Welcome and Introduction – Hon. Patricia Bamattre-Manoukian, Chair

Announcements:

- Barbara McIver has resigned from the task force for personal and professional reasons.
- Hon. Ronn Dominici, Supervisor in Madera County, will be replacing Hon. Juan Arambula, who resigned due to scheduling conflicts.
- Josh Weinstein will no longer be staff to the PSTF. Audrey Evje will assume all staff responsibilities to the task force.

II. Presentations by Guest Speakers

A. Denny Maloney, Director

Deschutes County, Oregon, Department of Community Justice

Background:

- Is very interested in work of task force, since so many policies that are initiated in California spread to other states
- Started as a Director of a state Parole Department, was Director of Wisconsin Department of Corrections

- Became interested in the Balanced and Restorative Justice approach while in the adult parole system because of the concern that more juveniles would be entering the adult system.
- In Oregon, was hired by judge, funded by the county. Worked out an agreement so that the judges and BOS appoint the CPO jointly. Instituted a statewide initiative in which state probation employees became county employees. (Originally, all probation employees were considered to be state employees)

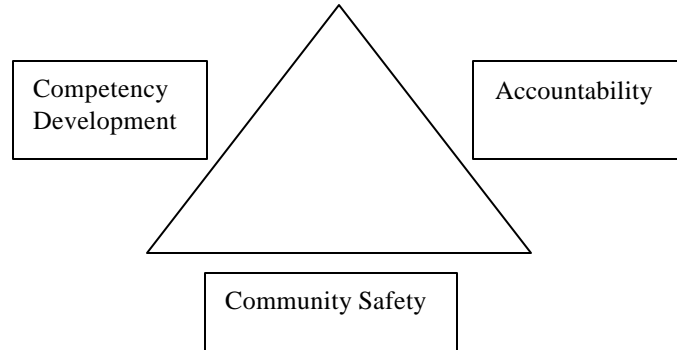
BARJ Approach

- Mr. Maloney supports community justice and accountability; probation should avoid institutions whenever possible.
- BARJ started in the late 1970s, when juveniles were perceived as being treated too lightly. A debate was going on: should juvenile system's goal be to punish or rehabilitate? Probation needed to ask, "Toward what end?" This question helps to set out best policy.
- Need to focus on outcomes first, instead of process and method.
- Need to ask, "Where do we want to be?" before can come up with how to reach that goal.

Desired Outcomes:

1. **Public Safety:** The public has the right to safe and secure homes and communities.
2. **Accountability:** When an offense occurs, that offender incurs a personal responsibility to restore the victim's loss and restore the community's loss.
3. **Competency Development:** Offenders should leave the system more capable of living responsibly and productively in the community.
 - Focus on treatment
4. **Individualization:** Each offender has a unique set of circumstances and factors that contributed to the offense behavior. Those circumstances must be addressed if the offense pattern is to be interrupted.
 - Example of arson: a system that punishes based on the crime committed rather than the circumstances surrounding the crime misses the differences in motivation between individuals that commit the same types of crime (insurance fraud vs. psycho-sexual behavior).
5. **Balance:** Justice is best served when principles of public safety, accountability, and competency development are balanced.

BARJ Triangle



- Need to have a balance between these three outcomes
- Working difference in definitions: between public “protection” and “safety”
 - “Protection” or “risk management” occurs when the only reason an offender is not committing new crimes is because he/she is incarcerated
 - “Community safety” occurs when the individual makes conscious decisions to not commit more crimes
 - These definitions should drive the nature of the interventions sought.
- Approach applies to adults as well; has caught on around the country, including CA (CYA has changed its mission statement to one in which BARJ principles are goals)

Observations: Individualization/Clarity of Probation Conditions

- Probation tends to do a lot of things poorly instead of a few things very well. The same applies to probation conditions; the dispositional order should be the covenant between the offender, the offender’s family, and the courts.
 - Terms need to be clear, at a low literacy level; most offenders don’t understand what happened at sentencing hearing.
 - Standard conditions are often complex; one state has four pages of probation conditions. When asked how many probationers are in compliance with all conditions, found that probably none are fully compliant. Enforcement is arbitrary.
 - Need to focus on a few key conditions specific to the case, and end with a general clause such as, “I will obey the laws of the state of California.”
- Deschutes County’s dispositional order lists the three aspects of the BARJ triangle, along with the corresponding steps that the offender must take to achieve them:
 - Accountability (Community Service and restitution)
 - Public Safety (Offender will comply with the laws of Oregon)

- Competency Development (Programs/Treatment to be completed)
- Conditions are very easy to read and understand.
- Incentive: Department will go back to court to terminate probation early if offender is doing well.
 - Provides closure to offender, court, and probation officer
- The task force needs to consider adopting this method of clarifying and individualizing probation conditions

Development of Model that Incorporates Victim, Offender, and Community

Desired Outcomes:

1. Repairing Harm
2. Reducing Risk
3. Building Community

The Department of Community Justice

- Deschutes County became so serious about these principles that the Presiding Judge felt that the Department could not accomplish these goals under the label of “Probation.” The name has a negative connotation.
 - Department was re-commissioned as the Department of Community Justice
 - Probation officers were re-commissioned as Community Justice Officers; perception that they are being called to a higher duty, with responsibilities not only to the offender, but also to the victim and to the community.
- Importance of clear and effective mission statements

“You’ll get what you measure”

- Scholars’ argument that you will achieve the result that you measure; realized that benchmarks were focused on averting crises and managing caseloads, not on achieving outcomes.
 - Supervisors should focus on outcomes, not outputs
 - Supervisors should look at rate of recidivism, completion of programs, of officers’ caseloads.
 - Probation services are outputs, not outcomes
 - “Random efforts deliver random results.”
- Judges, DAs, BOS sat down to design outcomes and subsequent measurements.
- Need to decide what outcomes you want, then look at who should administer the department
 - Need internal and external measures

- Hired focus group to survey the community regarding what they want from the criminal justice system, and how to measure their success.
 - Developed report card; once a year, report is sent out to community. Report card lists responses from focus group, and how the Department accomplished those goals for that year.
 - Have measured benchmarks for ten years, in order to see trends in the Department's progress.

Outcomes and Measures Used to Achieve Outcomes

1. Restoring Justice for Victims

- Victim Satisfaction survey developed
 - Survey can be tracked to officer that handled the case.
- Restitution – how much is collected

2. Building Safety Communities

- Community Work Service – how many hours ordered and how many hours worked.
- Crime Prevention/Citizen Participation – legislation that donates money back to the community when juvenile is diverted from state institution

3. Holding Offenders Accountable

- Law-abiding Behavior (opposite of Recidivism)
- Drug and Alcohol Abuse
- Adult Criminal Convictions
- School Participation

Effect of Outcome Measurements on Budget

- Usually, budget allocations are based on tradition, rather than on measurement.
- With statistics, have an objective basis to develop annual benchmarks/goals based on these outcomes.
- Staff incentive: will receive a merit raise based on victim surveys – objective measurement of performance

Summary

- What are the desired outcomes?
- What is the best way to achieve those outcomes? Who can best achieve those outcomes?
- Community Justice should be examined as a philosophy for probation.
- Positive aspects of judiciary's role in probation:
 1. The judiciary at the community level offers more long-term stability and credibility than the executive or legislative branches.
 2. The judiciary doesn't seem to be as influenced by political shifts than the executive branch; leads him to believe that the courts should remain involved in probation.

- Negative aspects of judiciary's role in probation:
 1. Possibility of courts becoming too isolated, lose touch with pulse of the community
 2. Judiciary doesn't feel as accountable to the community
 3. Judicial officer becomes too involved in treatment modalities; process should be separated somewhat.
- Optimal situation:
 - Even though he is employed by the county, not the courts, it is better to align probation departments with the Administrative Office of the Courts, rather than with the executive branch.

B. Ms. Dimitria Pope, Director

Research, Evaluation, and Development Unit

Texas Department of Criminal Justice

(former Director of Community Justice Assistance Division)

- RED Unit evaluates the effectiveness of justice programs
- Responses to task force's questions provided in supplementary material

Texas Model – Conceptual Overview

1. Definition
2. Structure
3. Funding

1. Definition

- Community Justice Programs defined both by statutes and by standards

Statutory

- Chapter 42.12 Texas Code of Criminal Procedure (defines probation conditions, guidelines for department)
- Chapter 76 Government Code (Appointment of CPO)
- Chapter 493 Government Code (Creation of Texas Department of Criminal Justice and Board of Criminal Justice)
- Chapter 509 Government Code (Defines state's role in community justice programs – task force should examine code)

Standards

- Department operations
- Supervision
- Financial management

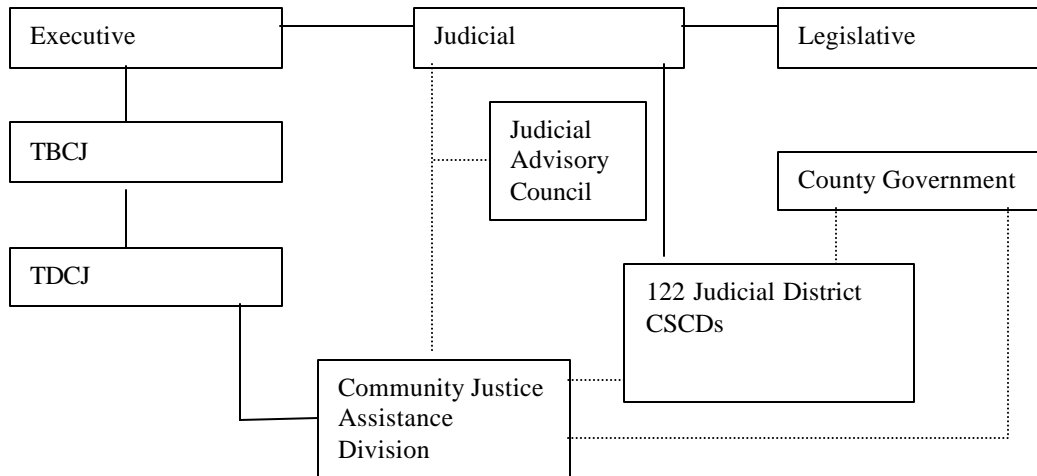
Discussion of Definition of CJA

- Texas moving away from measuring “outputs,” (how many beds filled, meals served, etc.) like Oregon, and is starting to use performance measurements that measure outcomes.
- Probation defined by standards. But as a probation officer, recognizes the need for flexibility – statutes and standards can be very restrictive.
- Standards do not give CPO much autonomy and flexibility, but also serve to provide uniformity of services statewide.

2. Structure

- Before 1989, Texas’ criminal justice system consisted of independent criminal justice departments under the Governor.
- In 1989, the state Legislature decided to place all of the departments under an umbrella department, the Texas Department of Criminal Justice, to improve efficiency and uniformity of services. The Governor appoints the Board of Criminal Justice, whose members appoint the Executive and Deputy Executive Director of the TDCJ. The TDCJ consists of the following agencies:
 - Community Justice Assistance Division (Probation)
 - State Jail Division
 - Institutional Division
 - Parole Division
- Problem: perception that agencies had lost their identity (at the time Ms. Pope was working in the Adult Probation Services)
 - Lot of tension created when old probation management lost oversight authority, only retained advisory capacity, with the exception of the Institutional Division
 - The Institutional Division became the Board of Criminal Justice, which led to the perception that the department is focused on incarceration
 - Transition (over 11 years ago) still hasn’t been successful in terms of people accepting and liking the new umbrella organization.

Structure of the Texas Community Justice Assistance Division (Probation)



- TDCJ under Executive Branch (Governor Appoints Board of Criminal Justice)
- Adult Probation Commission became the Judicial Advisory Council under new organizational structure
 - No direct authority, only advisory capacity
 - Make funding recommendations – not very meaningful because CJAD Director doesn't have to follow recommendations. CJAD and JAC had good relationship while Ms. Pope worked at CJAD.
- Texas has 122 Judicial Districts (254 counties divided into districts)
 - CJAD provides funding, training, audits, evaluation, monitoring, officer certification to the counties (60% of local funding from CJAD)
 - County governments provide facilities, utilities for local districts
 - Often local judicial districts follow county regulations regarding benefits, cost of living
- Judicial Advisory Council
 - 12-member advisory body
 - 6 members appointed by the Chief Justice of the Supreme Court
 - 6 members appointed by the Presiding Judge of the Texas Court of Criminal Appeals

State vs. County Responsibilities

State

- Establish minimum standards for programs, facilities and services for CSCDs
- Fund programs, facilities, and services for CSCDs (60% from state Legislature)
- Training
- Inspections, Audits, and Evaluations
- Officer Certification

County

- Facilities, Utilities
- Supplementary Fees
- Community Justice Council
- Community Justice Plans (layout of programs offered)

3. Funding

- 254 million in state funding to operate probation services
- Individual departments can seek federal grant funding
- Local contributions to probation in the form of fees and fines

Summary

- Texas system works but takes a lot of work
- DPOs work for District judges, so tension created when state would impose regulations and policies on local probation departments
 - Hired consultant to work out tensions: problem resolved when created Joint Committee on Community Justice Development, which was a team of state administrators and local probation staff.
 - Helped to foster communication and better policy-making; both sides made concessions.
- Nice to have legislative support, but be careful about mandating standards and regulations in law; much harder to get rid of laws than to have guidelines.
- Beginning to move towards outcome evaluations, to measure what intention of program was and if goal was achieved.

C. Mr. Frank Carmen, Director

Juvenile Justice Services, Supreme Court of the State of Arizona

Introduction

- Arizona's probation departments have always existed as part of the judiciary; system has never changed.

- Prior to 1985, probation system similar to California's. CPO appointed by the courts, funded by the county; courts and county shared liability and funding responsibility.
- 1985 Acevedo case: raised liability issue; involved probation officer charged with negligence.
 - Counties were found liable in the case, and they appealed the court's decision.
 - Supreme Court decided that probation officers are employees of the courts (courts were liable).
 - S.C. decided that funding source doesn't matter; what determines liability is who has appointing and supervision responsibilities for the CPO and DPOs.
- System works well; likes having probation administered by the Administrative Office of the Courts.
- Not sure if system would work in California, due to great differences in population and geographic size.
- Need a strong, proactive Supreme Court and AOC to have system like Arizona's.
- Arizona AOC sets statewide standards to ensure consistency, but does so in a "Best Western" approach, rather than a "Circle K" approach (allows for local autonomy and differences between counties – local departments can develop own programs within certain parameters).

Snapshot of Arizona

- Arizona has 15 counties (two large metropolitan counties, rest are rural)
- Population: 5 million
- Juvenile and adult courts separate; local probation departments combine adult and juvenile
- Staff: 1950 Juvenile FTEs, 2000 Adult FTEs
- AOC and courts have good relationship
- Debate: should probation be under the Executive branch? Some people think that the courts are too powerful.
- Many people want full state funding instead of split funding
- State system allows for statewide automation (all juvenile cases tracked throughout state)
- Judges for the most part understand that their county's probation services are part of the overall state budget; helps to have the Supreme Court's support.
- Probation acts as a resource to the courts
- Statewide system allows for cost-efficiency; have several contracts that local jurisdictions can use for services. System allows for very low overhead.

Cost of Probation

| Program | FY '01 | Funded Capacity | Cost per Probationer |
|--------------------|--------------|-----------------|----------------------|
| | | | |
| Juvenile Standard | \$8,098,200 | 8,190 | \$989 |
| Juvenile Intensive | \$14,736,700 | 2,312 | \$6,374 |
| Adult Standard | \$28,127,900 | 31,848 | \$883 |
| Adult Intensive | \$21,586,800 | 3,670 | \$5,882 |

- Juvenile Intensive Probation
 - Supervising Officers (SOs) make home visits at least once a week; required to have regular contact with employer, teacher, and SO.
- Probation is responsible for juvenile facilities – personnel costs estimated at \$14 million last year.
- **Weakest part of system: split funding between county and state**
 - Problem: when county or state gives employees raises, creates resentment
- Also have \$30 million for juvenile treatment; above figures only reflect probation costs.
 - Prevention, early intervention programs; drug treatment
 - Problem with courts handling early intervention programs: see juvenile after the commission of a crime; need for more community-based programs
- Funding, by source
 - Approximately 50% of total funds spent by the court system comes from the counties, 35% from the state, 14% from cities and towns, and .3\$ from federal and private sources.
 - Total court budget approximately \$400 million
- Collection of fines
 - Executive branch not effective at collecting fines; courts have a vested interest in making sure fines are collected.
 - In 1995, state Department of Corrections turned over Interstate Compacts to the courts; before, little money was being collected in these cases. Now, collections have increased by 1,858%.

Probation

- Decentralized with state level oversight and funding
- Courts more insulated from politics, makes courts better branch to handle probation.

- Juvenile detention was horrible in 1993 – severe overcrowding. Governor and courts battled over issue; Governor was trying to move juveniles into adult system.
 - Finally reached agreement in which the counties, as well as the state, would contribute to building new juvenile facilities; Arizona is in the middle of building new facilities.
 - Have grown from 580 to 1100 beds in 2003; have empty beds and are selling them to the federal government
 - Trying to keep kids close to home.
- Juvenile Probation
 - 1999 – had 77,651 Referrals
 - 12,000 on probation
 - 13 Juvenile Detention Centers
- Staffing
 - Standards exist for DPOs; need a Bachelor's degree
 - Required to attend Probation training academy
 - DPOs not in the detention facilities; have Detention Officers, who can be promoted to a DPO position.
- Caseload: very good caseload ratio mandates (best in the country according to Deloitte & Touche)
 - Juv. Regular 1:35
 - Juv. Intensive 2:25
 - Adult Standard 1:60
 - Adult Intensive 2:25
 - Treatment Funds – Juvenile - \$25 million; pushed for by the Supreme Court
 - Literacy: Computer labs, reading programs, GED programs
 - Education
 - Sex Offender
 - Treatment – Adult
 - Sex offenders
 - Mentally challenged
 - CMI

Summary

- Arizona's system might not be best for California, but feels it is a great system. Needs strong Supreme Court to advocate for probation.

D. Question and Answer with Presenters

(moderated by Al Schuman)

- Ochoa:** **California has no state probation system at all. What are the advantages of having some form of state system to ensure consistency in probation services?**
- Maloney:** In Oregon, no state probation agency exists. Until four years ago, adult probation was a state agency; now has transferred to the counties. Likes Frank Carmen's "Best Western" vs. "Circle K" analogy because counties in Oregon are given a lot of local autonomy. Must be careful with overly prescriptive standards.
- Carmen:** Under state system, still have problems with some jurisdictions (policies are more easily embraced by some counties). Likes Oregon's report card idea.
- Maloney:** **(Question for Frank Carmen) How would you go about making a local jurisdiction's policy a statewide policy?**
- Carmen:** I would get the Chief Justice's support and then begin meeting with juvenile probation administrators. Can reach agreement with administrators and implement policy statewide.
- Pope:** In Texas, they're able to institute programs through line-item budget process (discretionary grant funding). Also, Texas has per capita supervision funding.
- Lopez:** **I'm very interested in Arizona's policy that requires the state to provide additional funding when the counties reach a certain level. What formal mechanism is used to decide how much county support will be required?**
- Carmen:** Footnote in budget exists that requires a maintenance of effort from counties at the 1995 level. Also, statutory language states that counties supplement, not supplant, other funding. If the probation department gets a grant, the county can't cut the amount of the grant from that year's funding.
- Mahoney:** **So any additional funds received above the 1995 level are provided by the state?**

Carmen: Not necessarily. If the judge can convince the county to fund something extra, they are able to do that.

Mahoney: Have the levels of service provided in small counties risen under this system?

Carmen: State has always taken care of small counties financially; in some, state funds probation departments 100%. Problem is not funding, but finding treatment providers in rural counties. In some cases, treatment providers are flown in once a week.

Rhoads: Are there differences in pay and benefits between counties?

Carmen: County Directors came to the AOC, the state did a salary survey statewide, then compared the results with the areas in which the courts were losing employees. Decided to establish a statewide minimum salary level, especially for entry-level positions. Counties can pay employees more than that, from fines, fees, etc. Counties like being able to have flexibility of several funds.

Gonzalez: Have any states or counties thought of separating probation from detention responsibilities?

Carmen: Legislation was introduced that would have shifted detention responsibilities to the sheriff's department. Sheriff's department opposed strongly and the bill did not pass. In Colorado or Utah, the state is responsible for juvenile detention. In those states, the state gets very heavily burdened because the courts don't worry about overcrowding the facilities because they are not responsible for them. In Arizona, clear guidelines exist to justify detaining a child, since judges must manage the inmate populations.

Pope: Texas has two types of juvenile facilities: community correctional facilities and county correctional centers. County correctional centers are similar to jails. The majority of funds support community correctional facilities (half-way houses, drug treatment facilities, etc.). Under TDCJ, lost intimacy of small facilities; kids are placed in 2000-bed facilities. The current situation is that detention facilities have deteriorated greatly since a few decades ago.

Miller: (for Maloney) How did DPOs respond to the name change? Did morale change? How do you evaluate outcomes vs. outputs?
(for Pope) Has the consolidation of probation under the Executive branch improved the treatment of DPOs? Are all Probation Officers armed? Privatization of services?
(for Carmen) What is the status of Arizona's boys ranch? Do you house out of state offenders? How do salaries of DPOs compare with those of other agencies?

Maloney: Presiding Judge discussed name change with department and county heads; manner in which PJ handled change to Dept of Community Justice, was a morale boost to DPOs. If you give people a chance to participate, often they will push harder to get it done. DPOs want to implement merit pay by teams, since they believe they are more effective as a team. Community reception of name change was very positive; image of probation has been heavily damaged.

Pope: Salary and benefits issue needs to be addressed. Probation officers are paid more than correctional officers are, because correctional officers' salaries are tied completely to state funding. Probation officers' salaries, on the other hand, can be enhanced at the judicial district level.

As for arming officers, Texas has very strict standards that armed officers must follow, and not all officers are armed.

Regarding privatization and contracting, Texas contracts with private adult facilities. Texas manages them in a way that they can cap their salaries and operating costs in their contracts, to discourage people from leaving the public sector.

Carmen: Arizona is an at-will employment state, but employees allied with a communication workers' union. Last year, the union focused on arming officers. The AOC met with the unions, negotiated to have the Judicial Council take the initiative on arming, instead of passing legislation, so that an officer safety program could be developed. Officers will be armed, but they will have to go to training, etc.

Regarding salaries, probation officers make good money, even in small counties. A starting salary pays around \$30,000/year, experienced officers make around \$50,000/year. Arizona loses officers to federal probation because they pay officers more.

Mahoney: Counties have gone through MOE process with the courts in California. How was the amount of the MOE decided upon? Did the level of funding decrease for some counties after the change in funding?

Carmen: Arizona's funding structure hasn't changed. What had changed was the number of probation officers that were funded by the counties since 1998. No county lost funding after the MOE was established in 1995. Counties have received more money since it was established.

**Kader: The Services Subcommittee has considered the BARJ approach in its recommendations.
(for Maloney) Are you also measuring processes along with outcomes?
(for Pope) Also, I'm interested in Texas' requirements for the CPO: the CPO can not be a peace officer. Why is that?
(for Carmen) I've met many DPOs from Maricopa, and many of them have Master's degrees. Would you say that this is true?**

Maloney: We measure outcomes through the report card model – it allows people to see outcome measurements clearly and quickly. Internally, the Department has created intermediate measures to ensure that they perform well on the outcomes report card.

Pope: Regarding the peace officer requirement, the committee that developed those standards was trying to discourage the law enforcement type of personality. One of the big issues is that many contradictions exist in Texas' standards. Probation Officers wishing to be armed have to go to a special training institute, where they are sworn in as peace officers – many things don't make sense.

Carmen: Maricopa County is a university town, along with Pima. Probation gets a lot of DPOs out of college, they reimburse employees for continuing their educations. Arizona has very low turnover (4% systemwide). Problem in small counties is finding people to replace people in small counties.

Gonzalez: Maricopa is a very progressive county; many people want to work there.

Crogan: In California, probation is a county function. If we were to change to some sort of statewide function, what would be an incentive for the state to take over responsibility for probation, and what are the incentives for the counties to relinquish responsibility?

Carmen: One thing that Dave Byers taught me is that whether the state or county pays, it's still taxpayer money. Arizona is moving towards a system completely funded by the state.

Maloney: The only concern I have with that system is that most states have statewide protective services (maybe not in California). Over time, the local citizens start to lose responsibility for local public safety; we must maintain local involvement in public safety, it cannot be delivered by a statewide criminal justice system. Statewide systems have a harder time recruiting volunteers; people like community policing.

Pope: In Texas, we've always had a state-operated system that is coterminous with the county. There are definite advantages of having state oversight and maintaining local autonomy. When you set up your system, pull together people from the community to allow them to have a say in the setup of local commissions, etc. Citizens must be able to see the benefits of their input.

Carmen: Arizona has citizen advisory boards. When I was in Nevada, the state paid the counties a probation subsidy. The majority of funding came from the county, but the state subsidy allowed for the establishment of standards. This money was provided on the condition that counties keep juveniles in the counties, rather than in the state criminal justice system. Can have a local model with a local identity, supplemented by state funds with state oversight. Clearly, California needs some sort of an umbrella system.

- Ochoa:** The Services Subcommittee has examined the problem of under-funding of probation by the counties. Between 40-60% of probation funding comes from the county; the rest comes from grants. This system forces the CPO to chase grants. Juvenile services are largely funded by grants, and adult programs are subsequently underfunded because they do not attract grants.
- Maloney:** The PSTF must figure out what it wants to accomplish first. After outcomes are determined, standards can be used to accomplish those outcomes. I'm nervous about the use of standards just to have standards. Probation must ask the community the best methods to reach their desired outcomes. I would avoid the discussion of state control vs. local control, but would focus on the discussion of local responsibility vs. local responsibility. "Control" implies the loss or gain of power. Arizona has been able to have state responsibility without losing the front-line local involvement in probation.
- Carmen:** I'm a bit confused. Why do the counties have liability for probation? In the Acevedo case, it was clarified that the CPO is appointed by the courts, and the courts fall under the state.
- Lopez:** **California is different. The state is not involved with funding of probation.**
- Carmen:** I still don't understand. Many cases around the country have provided the precedent that liability lies with the administrators/supervisors of an agency, not necessarily the funding sources.
- Lopez:** **That is California's dilemma. The counties fund probation, but the CPO is appointed by the courts; this system has created many conflicts. Since 1997, with Trial Court Funding, the situation might be looked at differently.**
- Pope:** Texas also has many unfunded mandates. The Legislature still holds probation accountable, even though they are not given funding for those mandates.
- Manoukian:** **I want to follow-up with the Arizona case. It sounds like the Supreme Court is very supportive of probation, and that when the case was decided, it found the state to be liable for probation. In California, the lawsuit that occurred was never appealed. All trial court judges are paid by the state.**

- Ochoa:** Is there any case law that shows that the counties are liable in this situation?
- Manoukian:** I don't know of any cases that address that situation in California.
- Maloney:** We've learned that you can't make yourself immune to being sued, but you can increase your resiliency to losing. A statewide office can offer statewide performance requirements, to decrease the likelihood of losing a lawsuit.
- Pope:** One question you asked was related to liability in detention facilities. Our system is very Texas-specific, but I would ask everyone to review the answer I provided in the material.
- McCarthy:** The PSTF can make a recommendation that legislation be passed to decide the liability issue.
- Ochoa:** The task force could also ask for a legal opinion by the Attorney General.
- Manoukian:** (for Maloney) Do the other counties in Oregon have the same system as Deschutes County?
- Maloney:** Four or five counties have converted to community justice departments. Counties do their own thing; this is not a good system. The courts have started a statewide restorative justice program, but great variations exist between counties. Oregon needs a state office to coordinate this program.
- Miller:** (for Carmen) I'm concerned about the state being responsible for local detention facilities, since conditions are often terrible. The union fought very hard with the Board of Corrections to increase the ratio of staff to juveniles in camps – resulted in statewide standards. When the issue came to the Attorney General, he didn't want to fund the increase, neither did the county. The union filed a lawsuit against the county.
- Maloney:** You're talking about governance. If you choose to have a statewide system, you must get county people together and ask them how a state system can best serve them. I think this would avoid the separation that you're describing.

Miller: **Whatever the result of the task force, the funding is going to be a problem. If a statewide system is adopted, the branch is going to become more political. How do judges feel about this in Arizona?**

Carmen: Some judges don't want to be involved in probation and other social services, but generally the judges agree that probation is a function of the administration of justice; all probation services fall under the AOC. We went to the Judicial Ethics Committee because the Governor was opposed to the probation system, and the Committee decided that probation falls under the judiciary.

Croghan: **In the Lassen lawsuit, a jury found the county liable for \$3.7 million; the county neither appealed nor had the money to pay the lawsuit.**

Carmen: In Arizona, the trial court found the state liable; the state appealed the decision to the Supreme Court.

Croghan: **Was there ever a consideration to place probation under the Department of Health and Human Services? DHHS supports this idea.**

Carmen: I don't think that option is a good idea. In Arizona, treatment money previously came from DHHS equivalent, and judges disregarded spending limits. Now, funds were moved to the AOC, and spending is more tightly controlled. Once, a consideration was to abolish the juvenile probation system, and move probation under the Dept. of Corrections. Arizona decided that they had a good system and didn't need to change it.

Croghan: **(for Carmen) What is your system's biggest flaw?**

Carmen: The biggest frustration is split funding streams. We're moving towards increased state funding.

Rhoads: **We need to keep kids out of the system – that is probation's goal.**

Gonzalez: **Are the presenters aware of California's Trial Court Funding structure?**

Carmen: That's why it seems clear that the state is liable for probation.

Roddy: Currently, California has many employee disputes related to court vs. county status.

Gonzalez: It sounds like Arizona's system still requires a large part of funding to be contributed by the counties, and local involvement is still maintained.

Schuman: Thank you to our speakers.

(Hon. Ronn Dominici is welcomed to the task force by Hon. Patricia Bamattre-Manoukian by conference call)

- *Hon. Dominici is very honored to be on the task force*
- *Recently elected to the Board of Supervisors; previously, worked with the CHP for 32 years, has worked very closely with probation.*

III. Fundamental Principles (Mike Roddy)

The Relationship Subcommittee met on April 29, 2001 and developed the following principles. It is hoped that after the principles are agreed upon, the task force can create a model that adheres to those principles.

Fundamental Principle 1:

The authority to appoint the Chief Probation Officer (CPO) should be related to the entity or entities responsible for the conduct, support, funding, oversight, and administration of probation services (i.e. authority and responsibility should be connected).

Discussion Regarding Fundamental Principle 1:

- Can we have shared funding and administrative responsibility?
- Would this model preclude the implementation of a model like Arizona's, where funding and oversight responsibilities are shared?
- (Lopez) Not if we emphasize the principle of shared responsibility – the point is to connect responsibility; the state should not dictate to the counties
- Administration and responsibility are clearly judicial functions.
- We must determine the outcomes we want and choose a model based on them.
- What about the charter counties? We need a legal opinion as to whether a constitutional amendment would be necessary to change the appointment structure.
- Consensus on Revised Fundamental Principle 1.

Revised Fundamental Principle 1:

Authority over and responsibility for the conduct, support, funding, oversight, and administration of probation services, including the appointment of the CPO, must be connected

Fundamental Principle 2:

Courts and counties should develop and implement partnerships to administer probation departments and work collaboratively to ensure appropriate levels of services, support, funding, and oversight.

Discussion regarding Fundamental Principle 2:

- Whatever model we choose, all data suggests that a partnership model should be adopted.
- Also need collaboration with social service agencies, treatment facilities, etc.
- Consensus on Fundamental Principle 2.

Fundamental Principle 3:

Probation services are best administered at the local level.

Discussion regarding Fundamental Principle 3:

- We don't know for sure that services are best administered locally – should change “best” to “should be.”
- “Should be” will eliminate administration at the state level – need to add “primarily” at the local level.

Revised Fundamental Principle 3:

Probation services should be administered primarily at the local level.

Fundamental Principle 4:

Statewide standards or guidelines are necessary to ensure that the appropriate level of services is provided.

Discussion regarding Fundamental Principle 4:

- Standards vs. guidelines – from a local perspective, preference for guidelines.
- We should be careful what we ask for, since if we legislate probation standards, our hands may be tied later on. It is much more difficult to undo legislation than to change guidelines.
- In the Services Subcommittee, have discussed the need for workload standards, etc. Does that fit here?
- To the public, standards are always harder to sell than guidelines. We shouldn't put ourselves in a box.

- Guidelines imply suggestions. Remove standards? This would remove a lot of the force of the task force's recommendations.
- In San Diego, minimum standards have been advisory in nature. Need for enforceable standards, or will wind up back where we are today.
- Some counties will not go any further than meeting the standard – standards are a double-edged sword.
- Add “minimum,” “appropriate,” or “reasonable” to standards?
- If not meeting standards, can withhold funding.
- Guidelines – there will be no enforcement.
- Outcomes are the point of having standards – must include outcome measures in fundamental principles. The goal of standards is to produce desired outcomes; the level of service might not be a direct objective.
- We should include standards, and provide funding to bring counties up to the baseline; the point of having standards is to elevate probation.
- Remove the word “statewide” because some departments (like Oregon's) work well at the county level.
- Constitutionally, statewide standards would have to be funded by the state.

Revised Fundamental Principle 4:

Standards with measurable outcomes are necessary.

Fundamental Principle 5:

Probation services are best provided when juvenile and adult departments are jointly administered.

Discussion Regarding Fundamental Principle 5:

- We don't know for sure that juvenile and adult services are best administered when they are separate.
- The San Francisco Juvenile Department provides a much higher level of service than does the Adult Probation Department.
- Issue is adequate funding for both adult and juveniles.
- Services Subcommittee agreed that adult and juvenile services should not be separated.
- Should change wording to leave out “best provided,” since the task force doesn't have data on this.
- Important issue is to ensure the adequate delivery of services to adults and juveniles.

Revised Fundamental Principle 5:

Juvenile and adult probation services should be administered in a single department.

Fundamental Principle 6:

Question: Should services and detention facilities be joined in probation model developed by PSTF?

Discussion Regarding Fundamental Principle 6:

- Must consider who decides that juveniles should go to institutions. Probation officers and judges make these decisions, and they need to have some responsibility for facilities.
- Perhaps services should move to the courts, with facilities remaining with the counties.
- Several members don't think this should be a fundamental principle.
- (Friedman) Courts should not be responsible for detention facilities, due to the enormous liability issue, especially in Los Angeles. Even if it is an anomaly, Los Angeles cannot be ignored because of its size. Judge Friedman does not agree to link the courts with detention facilities.
- In most counties, detention facilities are funded by the counties but staffed by probation officers. Inclusion of facilities in model would shift responsibility from counties to the courts.
- If courts take over detention facilities, they would have to take over all facilities used by probation (camps, treatment centers, etc.)
- Under 6b, detention facilities could be the responsibility of the state without being the responsibility of the courts.
- We can agree on a model to address this issue, even if we can't agree on a solution right now.
- Certain mental health offenders are treated in facilities used by probation, but which are not directly related to probation.
- Detention facilities have in fact always been administered by probation.
- Support for 6a, with state support of county facilities.
- 6a could result in taking one model away from consideration.
- 6a is deceptive, because some courts do participate in the day to day administration of detention facilities; some judges visit facilities once a month rather than only for yearly inspections.
- CPO should administer detention facilities and treatment centers.
- The task force will leave the issue open for further discussion.

Revised Fundamental Principle 6:

Question: Should services and juvenile detention facilities be joined in the probation model developed by PSTF?

6a. Courts should not be responsible for day to day administration of juvenile detention facilities. The state should support counties in the administration of such facilities.

6b. Probation detention and treatment facilities should be joined in the probation model developed by PSTF.

6c. Probation detention and treatment facilities should be administered by the CPO.

6d. Responsibility for probation detention and treatment facilities should be addressed in the model developed by PSTF.

Potential Fundamental Principle 7.

Keeping things the way they are is unlikely to result in increased resources.

Potential Fundamental Principle 8.

The status quo isn't acceptable.

(Task force adjourns to attend reception with Attorney General Bill Lockyer).

Attendance, Friday, May 18, 2001

Task Force Members Present: Hon. Patricia Bamattre – Manoukian, Hon. Denny Bungarz, Mr. Alan Crogan, Mr. Bill Davidson, Hon. Terry Friedman, Ms. Sheila Gonzalez, Mr. Phil Kader, Hon. William LeBov, Mr. Bill Mahoney, Hon. Kevin McCarthy, Hon. Frank Ochoa, Mr. John Rhoads, Mr. Mike Roddy.

Task Force Members Not Present: Mr. Bryce Johnson, Mr. Michael Johnson, Mr. Ralph Miller, Hon. Mike Nevin.

AOC Staff Present: Ms. Leslie Allen, Ms. Audrey Evje, Mr. Frank Gahub, Ms. Maureen O'Neil, Mr. Ron Overholt, Mr. Bill Vickrey, Mr. Josh Weinstein, Mr. Jonathan Wolin.

Guests and Consultants: Ms. June Clark, Ms. Elizabeth Howard, Mr. Rubin Lopez, Mr. John O'Neill, Mr. Alan Schuman, Mr. Bruce West.

I. Announcements

- PSTF web site is up; it can be visited at <http://www2.courtinfo.ca.gov/probation>
- Optional Stakeholder Outreach Event June 18, 2001 at 3:30 p.m. at the Family Violence Conference
- Future Task Force Meetings
 - July 19-20, 2001 – DoubleTree Hotel, San Francisco Airport

- September 20-21, 2001 – DoubleTree Hotel, San Francisco Airport

II. Outreach Effort – Stakeholder and Probationer Input

A. Stakeholder Input

(Presentation by Ms. Audrey Evje)

Since the task force's inception, staff and Probation Services Task Force members have conducted outreach events with approximately 400 different stakeholders throughout the state. Task force members and staff have attended conferences and meetings of stakeholder organizations, including: Beyond the Bench, a meeting of the California Public Defender's Association, Juvenile Delinquency and the Courts conference, California Judicial Administration Conference, a meeting of the Chief Probation Officers of California, California State Association of Counties Spring Legislative Conference, the Juvenile Law Institute conference, a meeting of the State Coalition of Probation Organizations, a Domestic Violence Conference. The task force still plans to visit the California District Attorneys Association.

Staff has conducted outreach events with:

- Judicial Officers
- Court and county executives
- Board of Supervisors
- Attorneys
- Chief Probation Officers
- Deputy Probation Officers
- Probationers
- Social and Mental Health Workers

1. Stakeholder Input, by Theme/Topic

Caseload

- Caseloads too high
- Large banked caseloads result in liability due to lack of felon supervision

CPO Issues

- Appointment/Termination by the Courts
- Whoever funds probation should appoint CPO
- CPO needs more autonomy - works for many masters

- Need minimum education standards
- Need protocol for evaluation of CPO

DPO Issues

- Hiring and retention problems due to low salary and benefits
- Money lost on training due to high turnover
- Dual role: law enforcement/rehabilitation
- DPO safety is an issue
- Need more training, esp. in Mental Health
- Need to be held accountable - no forum to address complaints

Facilities

- Issue should be addressed by PSTF
- Crowding
- Disproportionate minority confinement
- Hard to retain institutional staff
- Kids should remain in the home whenever possible, not build more institutions

Funding

- Need for stable funding source - statewide system may improve funding consistency
 - Concern about statewide competition for funds
- Funding streams complicated
- Probation shouldn't have to rely on grants
 - Divert resources from rest of department
 - Too restrictive
 - BOS reduces core funds when receive grants
 - Most grants go to services for juveniles

Relationships

- County liability is big issue
- In most counties, Judicial officers and BOS rarely meet
- Probation's success depends on partnership with CBOs and other county agencies (Social Services, Mental Health, Education)

Organizational Structure

- Localized structure creates disparities in services and resources between counties
- Need for centralized structure, with local control

- TCF model
- DSS model
- Partnership model: Courts, Probation, CDC
- Probation under CDC
- Separate control of institutions and services
- Debate over separation of adult/juvenile

Relationship between Probation and Court and County

- Probation has no advocate - works for courts but funded by BOS
- Problems with courts overseeing CPO, due to rotating PJ
- Concern that Judges lack administrative skills
- Need to work with Dependency, JJC, DAs
- Public Defenders don't understand probation's role and services
- Many counties have rocky relationships with courts, BOS, or both
- Whoever funds probation should appoint CPO
- Probation employees should receive uniform salaries, benefits
 - Many would like to become court employees

Services

- Focus on prevention/early intervention
- Need more wraparound services - collaborate with DSS, MH
- Should be strength-based
- Positive statements in probation reports
- Need for list of best practices/services
- Need service standards, with local discretion for some programs
- Current programs should be evaluated
- Lack of services/placements for:
 - Girls
 - Adults
 - Gang members
 - Truants
 - Developmentally-disabled children
 - Juveniles with fire-starting history
 - Children with 241.1 dual status
- Need more mental health services/staff

Technology

- Technology needs to be integrated, so that a DPO is able to look in one place for all information related to a family

Vision for Probation

- Unique dual role: law enforcement and rehabilitation
 - Probation should focus on rehabilitation
- Debate:
 - Probation should focus on supervision of felons
 - Probation's scope should be expanded; should rename department to remove negative connotation
- Status of probation needs to be elevated
- Public lacks understanding of probation's role due to probation's different roles in different counties

2. Stakeholder Input, by Stakeholder

General Themes

- Caseloads too high; large banked caseloads
- CPO Issues
 - Majority of comments support court appointment/termination
 - Whoever funds probation should appoint/terminate CPO
 - Need for more autonomy
 - Accountability; need for evaluation guidelines
- DPO Issues:
 - Hiring
 - Retention
 - Training
 - Accountability
- Facilities overcrowded, minorities disproportionately confined
- Need for stable funding - too much reliance on grants
- Need for collaboration with other county agencies (Social Services, Mental Health, Education)
- Need centralized structure for consistency in services, resources
- Services should be standardized
- Services should focus on prevention/early intervention
- Lack of services for girls, adults, children with special needs
- Need for technological innovation
- Probation has unique dual role: law enforcement and rehabilitation
- Status of probation needs to be elevated

Attorneys

- Lack of placements for juveniles - wait too long in Juvenile Hall
- Should focus on beginning of services spectrum
- Concern for educational needs of 602 and 300 children

Attorneys: Public Defenders

- Public defenders want to be included in planning process; don't know about services/programs
- Need more home-based programs
- Need more individualized assessments
- Probation reports should be strength-based and include more positive statements
- Disposition reports often not consistent with what judicial officer recommends

Board of Supervisors

- BOS should appoint CPO since they fund probation
- Judicial officers and BOS don't communicate in most counties
- Probation's scope should be expanded

Court Executives

- Rotation of PJ causes gaps in supervision of CPO
 - Need more continuity in leadership
- Probation institutions should be controlled by the county, services by the court
 - Unrealistic expectations as to probation's workload capacity

Judicial Officers

- CPO should be appointed and evaluated by the courts
- Perception that probation is losing its rehabilitative component and is moving towards law enforcement model
- Need for more mental health services
- Specialty courts successful
- The BOS needs to be educated about probation's role
- Courts have taken over restitution because probation doesn't have enough staff

Chief Probation Officers

- CPOs should be appointed/evaluated by courts
- Work for many masters; CPOs are "whipsawed" between court orders and insufficient funding by the BOS
- Spend great deal of time chasing dollars

- Many support a TCF model to improve stability of funding
- Levels of supervision vary between counties
- Several feel that probation's scope is too broad; goals are unrealistic

Deputy Probation Officers

- Need to establish uniform salary and benefits throughout the state
 - Support for centralized/TCF model with local oversight
- Status of DPO needs to be elevated
- DPO safety is a big issue; probationers more dangerous today
- Want input into selection of CPO
- DPOs need more mental health training

B. Probationer Input

Staff and Task Force Members Visited Three Counties:

- Urban Southern -- San Diego, April 25-26, 2001
- Suburban Central -- Fresno, May 1-2, 2001
- Rural Northern -- Glenn, May 7, 2001

Staff Observations

- Adults and Juveniles share similar concerns
- Little difference in comments between probationers in northern rural, central suburban, and southern urban counties
- Attitude of DPO plays big role in evaluation of services and programs by probationers
- Some apprehension of whether comments were truly anonymous
- Some probationers lied or intentionally misrepresented situation, mostly the juveniles; for the most part adults were straight-forward

1. Adult Probationer Themes:

General

- Fees and fines are too high
- Probationers have to jump through too many hoops
 - Full-time employment or school
 - Classes
 - Meetings
 - Families

- Lack information
- Employment complicated by probation conditions

Adult Probationer Themes: Probation Officer Issues

- Most DPOs helpful, should be rewarded
- DPOs and staff should take personal skills training
- No avenue to report complaints
- The more probationers improve, the stricter DPOs become
- Probation should be more personalized
 - DPOs overworked
 - Probation Conditions should be personalized
 - Don't like how often probation officers change
- Attitude of DPO plays big role in evaluation of services and programs by probationers

Probation Services – Adult

Components of Effective Programs

- Strong staff support structure
- Counseling-based approach
- Frequent drug testing
- Long-term programs (3 - 12 months)

Components of Ineffective Programs

- Videos
- Role-playing
- Lecture-style
- Short-term programs (less than 3 months)

2. Juvenile Probationer Themes:

General

- More services for juveniles than for adults
- Program success based on staff support
- Institutional schools unchallenging
- Levels of supervision vary between counties
- Family members often on probation/in gangs

Juvenile Probation Themes: Probation Officer Issues

- Appreciation of DPO efforts to make programs work for individual, keep out of institutions
- Personality match between DPO and probationer important
- DPOs engage in favoritism

- Would like DPOs to reward them for good behavior
- Perception that DPOs become stricter as behavior improves
- Many probationers unclear about conditions of probation
- Don't like how often Probation Officer changes

Juvenile Services

Components of Effective Programs

- Strong staff support structure
- Wraparound services
- Counseling-based
- Small classes
- Age-specific programs
- Long-term programs (3 - 12 months)
- Vocation/education-based
- Graduated sanctions
- Frequent drug testing
- Strength-based programs
- Art therapy

Juvenile Services - Components of Ineffective Programs

- Large classes
- Role-playing
- Institutional schools not challenging; graded on behavior, not work quality; non-age/skill specific
- Severe sanctions
- Short-term programs (less than 3 months)

Discussion of Stakeholder Comments

- Transportation is a problem
- Must be careful not to summarize comments because they are only a sample of the state's probation population; these comments are not necessarily representative of the rest of the state. Should list individual comments in final report.
- Probation must remain objective in assisting the courts.
- Should have more internal administrative options for minor probation violations so probation officers don't have to bring kids back into courts as often. Some counties have such policies; kids are not brought back to court unless the DPO wants a sanction imposed.
- In some counties, DPOs are granted the authority to apply graduated sanctions.
- Would like to impose such a discretionary sanction program with adults too.
- Must be careful – case law discourages the imposition of sanctions by DPOs; sentencing is supposed to be carried out by judicial officers.

- Brings up outcome measurement: how to measure outcomes? Maybe we should put more emphasis on going back to probationers and getting their feedback on what works for them.
- Searching for gang attire is a waste of resources.
- Interesting to note that probationers don't want their probation officers to change; the issue of being armed isn't as relevant as the character/personality of the DPO.
- Did receive a comment that some probationers are uncomfortable with DPOs wearing guns in an office setting.
- Program's success depends on the personality of the staff.

III. Outreach to Presiding Judges (Judge Ochoa)

- Judges Ochoa and McCarthy took part in conference calls with Presiding Judges to discuss the issues faced by the PSTF. The PJs went back to their courts to collect feedback, and letters were sent in with judicial officers' comments.
- Comments sent in on 3 Models
 - 1) Local executive/commission model – court- or BOS-based committee appoints CPO. Probation is administered and funded by the county.
 - 2) Trial Court Funding model with a blend of local and state funding. Local courts appoints the CPO; AOC sets standards, CPO reports to the CEO or the AOC unit.
 - 3) Hybrid model – state agency such as DHHS funds and administers probation; local courts appoints; Judicial Council Advisory Committee sets standards and oversees probation.
- Comments:
 - 12 counties responded
 - 9 counties supported Model #2
 - 1 county supported Model #1
 - 1 county supported Model #3
 - State standards are needed
 - Question: If a state agency is created, should it be under the judicial branch or a stand-alone agency?
 - AOC input may hinder local oversight – probation should stay with the courts
 - Most courts chose the court/state model with funding/administration by the AOC for funding stability

Discussion:

- (Lopez) Counties should have been consulted before any letters went out on models; all task force members should be consulted when a work product emerges from the task force.

- The idea was to get as many comments on the models as possible; comments on the issues from judges were seen as being very important.
- (Lopez) Consensus is needed before information is released.
- (Manoukian) Task force agrees that from now on, all documents to be released will be circulated among task force members first.

IV. Development and Discussion of Probation Models

A. Components of the Model:

- 1) Collaborative appointment/evaluation/removal of CPO by:
 - Board of Supervisors
 - Courts
- 2) Administration
 - Day-to-day administration to be conducted at the local level.
 - Overall administration to be conducted by the AOC.
- 3) Funding
 - Base funding provided by the AOC (TCF) through a Maintenance of Effort agreement from counties.
 - Additional funding above the level specified in the MOE to come from federal and state grants and from the AOC.
- 4) Liability for probation would shift to the courts and be paid through the AOC. If probation administers detention and treatment facilities, liability will reside with the court/AOC; if the counties continue to administer detention facilities, the counties would retain responsibility for any liability.
- 5) CPOC will be retained.
- 6) Standards/guidelines will be adopted by the AOC.
 - a) JC Advisory Committee will promulgate guidelines
 - b) Committee is similar to task force but also w/ stakeholders
 - c) Option A:
 - i. Judicial Officers
 - ii. County government
 - iii. Probation
 - d) Option B:
 - i. Judicial Officers
 - ii. County government
 - iii. Probation

- iv. Mental Health
- v. Social Services
- vi. Board of Corrections
- vii. Community-based organizations
- viii. District Attorneys
- ix. Public Defenders
- x. Education
- xi. Victims/Survivors
- xii. Law Enforcement

Discussion:

- Most consensus on Arizona model
- Possible need for short-term and long-term recommendations
- Objections:
 - Court control of facilities
 - Judiciary shouldn't deal with the administration of probation.

B. Conference Call with Frank Carmen regarding Detention Facilities

- In Arizona, it is the county's responsibility to operate and maintain juvenile facilities; the Presiding Judge of the Juvenile Court oversees facilities.
- Court employees (Detention Officers) work in the Juvenile Hall. These officers are employed by the probation department (they are sworn in by the Chief Justice) but are paid by the counties.
 - Regardless of who pays the employees' salaries, it is the supervisory authority that determines who employs them.
- Liability usually falls with the state if it is a supervision issue (a juvenile assaults another juvenile in the facility and a parent sues) because Arizona's statute specifies that liability rests with the supervising authority, not necessarily the funding source.
- A case can be made in some instances that the county was negligent for not maintaining sufficient security in the facility, etc.; in such cases, the county can be found to be liable.
- The Chief Justice has the ability to remove juveniles from inadequate facilities, and can force the counties to improve the facility or build a new one.

C. Remaining Issues

- 1) Detention, treatment, and other facilities – most courts don't want to be responsible for detention and treatment facilities due to liability issues.

- a) Keep with local courts
 - b) Divide out and keep with counties but develop agreement with probation for the administration of services
 - c) YACA oversees facilities
 - d) AOC administers detention facilities (separate AOC division)
- 2) Who does CPO report to?
- 3) Pretrial services
- 4) Work furlough
- 5) Is administration of large probation departments too much of a burden for local courts?
- a) Example of Los Angeles
- 6) Concern that prevention services will become secondary
- 7) Standards for and oversight of day treatment facilities
- 8) Technology
- 9) Status of probation employees – will they become court employees?

D. One-day Meeting in June (June 22, 2001) will be held to discuss:

- The issue of detention facilities
- Further descriptions of the collaborative model (i.e. Who does the CPO report to?)
- Feedback from the AOC as to what aspects of probation it is willing to take on responsibility for (Sheila Gonzalez and Mike Roddy)
- Definition/role of Judicial Council Probation Advisory Committee
 - Development of standards/guidelines